

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

BRIAN K. DEFELICE, )  
 )  
 Plaintiff, )  
 )  
 v. ) Civil Action No. 06-472  
 ) Judge Hardiman  
 OFFICER JOSEPH POSCATKO, ) Magistrate Judge Caiazza  
 et al., )  
 )  
 Defendants. )

MEMORANDUM ORDER

The Plaintiff's complaint was received by the Clerk of Court on April 10, 2006, and was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Magistrate Judge's Report and Recommendation, filed on November 27, 2006, recommended that the Plaintiff's complaint be dismissed because of his failure to prosecute this action.

The parties were allowed ten days from the date of service to file objections. Service was made on the Plaintiff by First Class United States Mail delivered to the State Correctional Institution at Camp Hill, Camp Hill, Pennsylvania, where he is incarcerated and on the Defendants. No objections have been filed. After review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered:

AND NOW, this 20th day of December, 2006

IT IS HEREBY ORDERED that the Plaintiff's complaint is dismissed because of his failure to prosecute this action.

The Report and Recommendation of Magistrate Judge Caiazza, (Doc. 14), dated November 27, 2006, is adopted as the opinion of the court.

Thomas M. Hardiman

Thomas M. Hardiman  
U.S. District Court Judge

cc:

Francis X. Caiazza  
U.S. Magistrate Judge

Brain K. DeFelice GJ-3558  
SCI Camp Hill  
P. O. Box 200  
Camp Hill, PA 17001-0200

All Parties of record.